



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,258	12/15/2000	Ephraim Feig	SOM919990019US1(1963-7360	8747

7590 08/25/2004

WILLIAM E. LEWIS
RYAN, MASON & LEWIS LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 08/25/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,258

Applicant(s)

FEIG, EPHRAIM

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-57 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-57 are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, are drawn to “transferring data using a data communication by performing operations for streaming data from computer to computer”, classified in class 709, subclass 231.
 - II. Claims 16-21, 52, 53, 54, are drawn to “an implementation of an application server using the application server specific supported functionality for scheduled sequence of task to be processed”, classified in class 718, subclass 103.
 - III. Claims 22-30, 55, 56, 57, are drawn to “an implementation of an streaming server using the streaming server specific supported functionality for allocating resources to handle the processing of the data”, classified in class 718, subclass 104.
 - IV. Claims 31 and 32, are drawn to “selectively sending files from multiple servers based on the determination of what contents are present on the servers”, classified in class 709, subclass 248.
 - V. Claims 33-36, are drawn to “purging files received from a server using specific algorithms”, classified in class 707, subclass 206.
 - VI. Claims 37 and 38, are drawn to “selectively transferring files from one server to another server”, classified in class 709, subclass 232.

Art Unit: 2154

- VII. Claims 39-42, are drawn to “buffering data in a communication system based on specific buffering needs”, classified in class 710, subclass 52.
- VIII. Claim 43-50, is drawn to “a data communication system for sending data to a client apparatus”, classified in class 709, subclass 203.
- IX. Claim 51, is drawn to “a data communication system having individual separated component objects for handling data”, classified in class 719, subclass 316.

3. The inventions are distinct, each from the other because of the following reasons: Inventions I to IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as transferring data using a data communication by performing operations for streaming data from computer to computer, lacking one or more of the particulars of inventions II to IX. Invention II has separate utility such as an implementation of an application server using the application server specific supported functionality for scheduled sequence of task to be processed, lacking one or more of the particulars of inventions of I and III to IX. Invention III has separate utility such as an implementation of an streaming server using the streaming server specific supported functionality for allocating resources to handle the processing of the data, one or more of the particulars of inventions of I, II and IV to IX. Invention IV has separate utility such as selectively sending files from multiple servers based on the determination of what contents are present on the servers, one or more of the particulars of inventions of I, II, III and V to IX. Invention V has separate

Art Unit: 2154

utility such as purging files received from a server using specific algorithms, one or more of the particulars of inventions of I to IV and VI to IX. Invention VI has separate utility such as selectively transferring files from one server to another server, one or more of the particulars of inventions of I to V and VII to IX. Invention VII has separate utility such as buffering data in a communication system based on specific buffering needs, one or more of the particulars of inventions of I to VI, VIII and IX. Invention VIII has separate utility such as a data communication system for sending data to a client apparatus, one or more of the particulars of inventions of I to VII and IX. Invention IX has separate utility such as a data communication system having individual separated component objects for handling data, one or more of the particulars of inventions of I to VIII. See MPEP 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the extensive search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 2154

7. A telephone call was made to William Lewis on August 12, 2004 to request an oral election to the above restriction requirement. William Lewis made no election over the phone.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. A shortened statutory period for response to this action is set to expire 0 (zero) months and 30 (thirty) days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, MPEP 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2154

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

August 16, 2004

N. S/Had